

# Managing Environmental Compliance in Connecticut



November 2004

Jane K. Stahl  
Acting Commissioner  
<http://www.dep.state.ct.us>

Connecticut Department of Environmental Protection  
Office of Enforcement Policy and Coordination

Issue 5

## Tyco Printed Circuit Group Fined Over \$14 Million and 3 Former Company Employees Sentenced

In August 2004, Tyco Printed Circuit Group of Stafford ("Tyco"), a subsidiary of Tyco International, was sentenced in U.S. District Court in Hartford on 12 counts of violating the Clean Water Act. Between 1999 and June 2001, company managers at Tyco's Stafford, Staffordville and Manchester facilities engaged in a variety of practices that caused the facilities to discharge wastewater with higher than permitted levels of pollutants into municipal sewage treatment systems. Examples of illegal practices, which were discovered by the Connecticut Department of Environmental Protection ("Department"), included diluting wastewater samples, discarding of samples with excessive levels of toxic metals, and omitting samples that were not in compliance for pH.

Under the federal plea agreement, Tyco is required to pay a total of \$10 million in fines. Of that amount, Tyco is required to pay: \$6 million as a federal criminal fine; \$2.7 million to the Department to fund ecosystem management projects; \$500,000 to the Towns of Stafford and Manchester to fund improvement in the towns' sewer and water treatment systems; and \$300,000 to recycle its deionized process water.

Also in connection with the federal case, Daniel R. Callahan of Broad Brook, Connecticut, was sentenced in September 2004 to serve 3 years probation, the first 6 months of which to be spent in home confinement, pay a \$4,000 fine and perform 150 hours of community service for his role in falsifying reports. Mr. Callahan was formerly the Director of Environmental Health and Safety for the Stafford Division of Tyco. Two other Tyco employees, Anthony Dadalt and Robert Smith, were sentenced to probation for violating the Clean Water Act.

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## EPA Authorizes Connecticut's Hazardous Waste and Corrective Action Programs

On September 4, 2004, Robert W. Varney, Regional Administrator of the US Environmental Protection Agency (EPA) Region I – New England approved revisions to the state's hazardous waste program. The authorization allows the Department to administer all of the elements of the federal Resource Conservation and Recovery Act ("RCRA") program governing management of hazardous waste including land disposal requirements, generator requirements, corrective action for remedial projects, recycled used oil, universal wastes and the expanded RCRA public participation process.

Among the major features of this federal authorization are that the Department will assume complete responsibility for the Corrective Action program under RCRA and that Connecticut's remediation standards and programs have been recognized as being as protective of public health and the environment as federal standards for cleaning up contaminated sites. The Department has initiated programs to accelerate the clean up of sites either under the direction of the Department or Licensed Environmental Professionals. Connecticut is the first state program in the nation that utilizes third party oversight for addressing contaminated sites to be authorized under the federal Corrective Action program.

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## Department Not Idle on Bus Idling

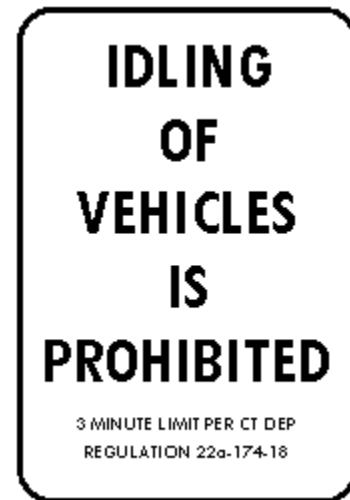
Diesel exhaust emitted by school bus nose-to-tailpipe queue lines has been identified as a significant source of exposure risk for schoolchildren. Nearly 387,000 Connecticut children ride 6,100 school buses each school day. Of those 6,100 school buses, 99% are diesel fueled. An idling diesel engine is a significant source of nitrogen oxides (NOx)

emissions, fine particulate matter (PM 2.5), and 40 other known carcinogens.



The Department has made significant progress with efforts to reduce diesel emissions from school buses and other sources through the use of cleaner fuels and new bus retrofit technology. As part of the Department's "Clean School Bus Program", the Department and the Connecticut Department of

Transportation ("DOT") are working together on a new signage initiative



The initiative is aimed at increasing compliance rates with the three-minute idling rule contained in Section 22a-174-18(a)(5) of the Regulations of Connecticut State Agencies. The Department is using Supplemental Environmental Project ("SEP") funds to provide signs to public schools. The DOT is posting signs at rest areas to encourage compliance and to raise awareness of the need to reduce vehicle idling. The signs posted include both a regulatory sign that clearly informs vehicle drivers that they may not idle for more than three minutes and an informational sign that points out the linkage to air quality. So far, the Department has provided sets of anti-idling signs to public schools in Norwich and New Haven for posting in school bus loading areas.

The Department is also addressing excessive diesel vehicle idling by increasing inspections at schools and rest areas. Since the increased focus began, the Department has issued 74 Notices of Violation for vehicle idling.

## 2004 Stormwater Quality Manual Now Available

The newly available Connecticut Stormwater Quality Manual provides guidance on the measures necessary to protect the waters of the State of Connecticut from the adverse impacts of post-construction stormwater runoff. The manual focuses on site planning, source control and pollution prevention, and stormwater treatment practices. It is intended for use as a planning tool and design guidance document by both the regulated and regulatory communities involved in stormwater quality management.

The manual can be found at: <http://www.dep.state.ct.us/wtr/stormwater/strmwtrman.htm>. Hard copies of the manual will be distributed to each municipality when available. Training sessions on how to implement the manual will be scheduled and announced within the next few months. If you have any questions or comments, please e-mail Cheryl Chase of the Department's Inland Water Resources Division at [cheryl.chase@po.state.ct.us](mailto:cheryl.chase@po.state.ct.us) or telephone her at (860) 424-3860.

## Tyco Printed Circuit Group Fined Over \$14 Million and 3 Former Company Employees Sentenced *(continued from page 1)*

In addition to the federal action, a civil suit was brought against Tyco in Connecticut District Court for numerous violations of State water pollution control law at its 3 facilities, also stemming from

Department inspections. The violations included illegal bypasses of Tyco's wastewater treatment and monitoring equipment, failure to properly operate and maintain wastewater treatment and monitoring facilities, failure to develop plans for full containment of its hazardous waste storage area and for managing floor spillage, failure to perform required monitoring, and substantially modifying wastewater treatment facilities without obtaining approval.

### Other Notable Enforcement Cases

#### **\$2.9 Million Judgement Against Connecticut Waste Oil**

Connecticut Waste Oil, a Wallingford-based waste treatment and storage facility and waste transporter, had operated for many years in significant noncompliance with its permits and with the State's waste management regulations. As a result of the noncompliance, the Department took action in December 2000 and June 2001 to deny Connecticut Waste Oil's applications to continue to treat, store and transport waste in the State. In addition to this action, two lawsuits were filed against Connecticut Waste Oil, Inc. and Joseph Peruti, its owner, in 2001 by the Office of the Attorney General on behalf of the Commissioner. These lawsuits were also brought about by Connecticut Waste Oil's failure to comply with permit conditions and regulatory requirements. The judgment now entered in this matter resolves these lawsuits and requires the defendants pay a penalty of \$2.9 million and perform closure at the Wallingford facility.

In settlement of the State's allegations, Tyco agreed in August 2004 to pay a \$2 million civil penalty, correct all alleged violations, maintain compliance with all statutory, regulatory and permit provisions governing water pollution control law, perform three annual environmental compliance audits to evaluate future compliance, install secure wastewater sampling units to enable discrete sampling by the Department, and perform a \$2.4 million flow reduction project in order to reduce the flow of metal-bearing wastewaters by 75%.

### **Guilty Verdict Against Sound Manufacturing Owner**

After a three month criminal trial in New London Superior Court, Brian Cote, a co-owner of Sound Manufacturing in Norwich, was found guilty. The company had illegally buried hazardous lead-bearing waste under a floor of its building, and then refused to remediate the site once it was discovered. The owner was convicted on charges of illegal storage, disposal, and conspiracy to store and dispose. Sentencing is scheduled for December.

In 1997, the Department learned of allegations of waste disposal activities at the Sound Manufacturing facility located at 539 Norwich Avenue in Taftville (Norwich), Connecticut. Following an investigation, the Department confirmed that lead-bearing sand blasting waste had been buried on site below a newly poured concrete floor. Efforts to convince the owner to remove the material were unsuccessful. On August 18, 1998, the Department referred the case to the Chief State's Attorney's Office and the Attorney General's Office for enforcement.

## Changes to Stage II Vapor Recovery Requirements for Dispensing Gasoline

The Department has amended its regulation to control the release of vapors when gasoline is dispensed (section 22a-174-30 of the Regulations of Connecticut State Agencies). The changes improve air quality by reducing emissions of volatile organic compounds (VOCs) released when gasoline is dispensed. As a result, some owners and operators of Connecticut gasoline stations will be required to install additional vapor recovery equipment and perform additional Stage II testing. The amended regulation is available on the Department's website at: <http://www.dep.state.ct.us/air2/regs/mainregs.htm>

## Mercury Education and Reduction Act

The Department continues its efforts toward achieving the virtual elimination of mercury from the environment as set forth in the Mercury Education and Reduction Act ("Act"). The Act, signed into law in June of 2002, establishes a program to reduce the amount of mercury being released into the environment. New actions include:

**Certification for Use of Dental Amalgam.** The Department has initiated a certification program in order to ensure that all dental practitioners that handle mercury are implementing the Best Management Practices ("BMPs") adopted in October 2003. A recent mailing, sent to all dental practices in the state, includes a certification form that requires dental practitioners to certify that they are compliant with the BMPs. The forms must be returned to the Department by November 15, 2004.

**Ban On the Sale of New Mercury Thermostats.** The ban, which became effective on July 1, 2004, is limited to the sale and distribution of mercury containing thermostats manufactured on or after January 1, 2004. The mercury containing products subject to the July 1, 2004 phase-out include mercury products containing more than one gram or 250 parts per million of mercury.

For more information on the Mercury Reduction and Education Act and information on recycling and properly disposing of mercury products, visit the Department website at:

[www.dep.state.ct.us/wst/mercury/mercury.htm](http://www.dep.state.ct.us/wst/mercury/mercury.htm) or call the Mercury Hotline at 1-877-537-2488 or Thomas Metzner at (860) 424-3242 or Robert Hannon at (860) 424-3245.

### Connecticut Department of Environmental Protection

Jane K. Stahl  
Acting Commissioner

#### Office of Enforcement Policy and Coordination

Nicole Morganthaler Lugli, Director  
Michael Hart  
Susan Zampaglione

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## EPA Authorizes Connecticut's Hazardous Waste And Corrective Action Programs

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The incorporation and adoption of Connecticut's cleanup standards into this program will streamline the cleanup of those sites that fall under this regulatory program by cleaning them up in accordance with one, uniform standard. Previously, the clean up of contaminated sites were required to meet the standards of both the state and federal programs, prolonging the process of getting site cleanups approved. In April 2004, EPA awarded the Department a National Notable Achievement Award its regulatory reform work in crafting the state's Corrective Action program.

For Corrective Action Sites in New England go to: <http://www.epa.gov/region01/cleanup/rcra/index.html>

The Federal Register publication can be found at [http://frwagate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2004\\_register&docid=fr28se04-12.pdf](http://frwagate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2004_register&docid=fr28se04-12.pdf).

Connecticut's hazardous waste management program is described in a *Program Description* and a *Memorandum of Agreement* between the Department and EPA, and may be found at <http://www.epa.gov/region01/topics/cleanup/rcra.html>.